

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RENEE ZINSKY,)	Civil Action No.: 2:22-cv-547
)	
Plaintiff,)	
)	
v.)	Electronically Filed
)	
MICHAEL RUSSIN, RUSSIN)	
FINANCIAL, RUSSIN GROUP,)	
SIMON ARIAS, III, ARIAS AGENCIES,)	
S.A. ARIAS HOLDINGS, LLC,)	
AMERICAN INCOME LIFE)	
INSURANCE COMPANY,)	
)	
Defendants.		

DEFENDANT MICHAEL RUSSIN’S MOTION TO STRIKE PLAINTIFF’S
BRIEF IN SUPPORT OF HER MOTION FOR CONTEMPT

AND NOW, comes Defendant, Michael Russin, by and through his attorneys Benjamin D. Webb, Esquire and Cozza Law Group PLLC, and files the within Motion to Strike Plaintiff’s Brief in Support of her Motion for Contempt, averring as follows:

1. Plaintiff’s Brief in Support of her Motion for Contempt (ECF No. 71 & 72) ignores this Court’s Standing Order and the Federal Rules of Civil Procedure regarding briefing and therefore should be stricken.
2. Plaintiff filed a Motion for Contempt on Saturday, April 22, 2023. Plaintiff did not file an accompanying brief. See ECF No. 68.
3. In accordance with this Court’s Standing Order, Defendant filed his response to Plaintiff’s Motion for Contempt on May 1, 2023.

4. Thereafter, on May 4, 2023, Plaintiff filed a Brief in Support of her Motion for Contempt (ECF No. 71 & 72). Her Brief in Support was filed after Defendant Russin's Response, and twelve days after she filed her Motion for Contempt.

5. This Court's Standing Order was electronically filed in this case, and expressly provides that: "[a]ll substantive motions shall be supported by a separate brief that contains the factual and legal support for the relief sought." ECF No. 3 p. 2 §1(d).

6. It would be illogical, and prejudicial to Defendant Russin, to permit Plaintiff to file her Brief in Support of her Motion *after* Defendant has filed his response.

7. To the extent Plaintiff filed her Brief in Support as a Reply in Support of her Motion for Contempt (ECF No. 71 & 72), Plaintiff has again ignored this Court's Standing Order with regard to the requirement to seek leave of court prior to filing a reply, and therefore should be stricken.

8. As it relates to reply briefs, this Court's Standing Order provides that:

Reply briefs to motions to dismiss may be filed, without leave of court, 7 days from the date of service of the response. Reply briefs to motions for summary judgment may be filed, without leave of court, 14 days from the date of service of the response. *Reply briefs for any other motion may only be filed with leave of Court.*

ECF No. 3 p. 4 § 3 (emphasis added).

9. Plaintiff has disregarded and violated this Court's Standing Order, which expressly requires leave of Court to file a reply in this instance, by filing a reply brief in support of her Motion for Contempt without seeking leave of Court.

10. Defendant's counsel contacted Plaintiff's counsel to determine whether she would withdraw her Brief in Support by the end of business on May 4, 2023. Plaintiff's counsel has not responded.

WHEREFORE, Defendant, Michael Russin, respectfully requests that this Honorable Court enter the Order attached hereto, striking from the docket Plaintiff's Brief in Support of her Motion for Contempt and related Errata (ECF Nos. 71 & 72) and to the extent Plaintiff seeks leave to file a Reply Brief, that said request is denied.

Dated: May 4, 2023

Respectfully submitted

Cozza Law Group PLLC

s/Benjamin D. Webb
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing Motion to Strike has been sent via the CM/ECF system to all counsel and/or parties of record.

Cozza Law Group PLLC

/s/Benjamin D. Webb

Benjamin D. Webb, Esquire